

REMARKS

In the Office Action dated March 1, 2006, pending Claims 1-25 were rejected and the rejection made final. The rejection was subsequently maintained in the Advisory Action. In response Applicant has filed herewith a Request for Continued Examination and has amended independent Claims 1, 13, and 25. Applicant intends no change in the scope of the claims by the changes made by this amendment. It should be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

Claims 1 - 25 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 13, and 25 are independent claims; the remaining claims are dependent claims. All claims stand rejected by 35 U.S.C. § 103(a) over Nouza in view of Eide et al. (hereafter "Eide") and further in view of de Souza et al. (hereinafter de Souza).

Reconsideration and withdrawal of the present rejections are hereby respectfully requested. The Office states in the Advisory Action that "the aforementioned limitation does not refer to the previously argued limitation directed towards linguistic feature calculations based on the presence or absence of the linguistic features." While Applicant respectfully disagrees, in order to expedite prosecution, Applicant has rewritten the independent claims to recite, *inter alia*, "building a model for each feature of an original set of linguistic features, wherein the model reflects whether or not each feature

is present". Thus, for the reasons set forth in the previous Amendments, Applicant submits the rejection should now be withdrawn.

Applicant continues to assert the outstanding Office Action was indicated as "final" in error and the finality should be withdrawn and requests reconsideration of the finality by the Primary Examiner under MPEP § 706.07(d). In the event finality is withdrawn, Applicant respectfully requests a refund of the fees paid in connection with the Request for Continued Examination (RCE) and Petition for Extension of Time filed herewith.

The Office has directed Applicant's attention to MPEP § 706.07(b), which provides a final office action may issue in certain circumstances. Those circumstances, however, are not present in the instant case. For example, *inter alia*, it is not clear MPEP § 706.07 even applies to the present situation in that the language thereof references a "new application" with a different application serial number. In the instant application an RCE was filed under 37 CFR 1.114 -- not a new application under 37 CFR 1.53(d), as asserted in the Advisory Action -- and as such, no new serial number was issued. See 37 CFR 1.114(d) ("If an application timely files a submission and fee set forth in § 1.17(e), **the Office will withdraw the finality of any Office action** and the submission will be entered and considered.") (emphasis supplied) Furthermore, the Office did not comply with MPEP § 706.07(b) in that the required form paragraphs were not used in the March 1, 2006, Office Action.

In any event, it should be noted in a prior Advisory Action (October 28, 2005), the Office stated claim amendments such as those made herein “may overcome the prior art of record, but such a claim amendment would require further search and/or consideration.” The Office’s attention is directed to the fact that MPEP § 706.07(b) provides it would not be proper to make final a first Office Action where “new issues were raised that require further consideration and/or search.”

In view of the foregoing, it is respectfully submitted that Independent Claims 1, 13 and 25 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 1 and 13, it is thus also submitted that Claims 2-12 and 14-24 are also allowable at this juncture.

If there are any further issues in this application, the Examiner is requested to contact the undersigned at the telephone number listed below. The Applicant and Applicant’s counsel welcome more discussion, in the form of an interview, particularly regarding the inapplicability of Eide with either Nouza or de Souza. To the extent the Office asserts MPEP § 706.07(b) is applicable in the instant circumstances, the Office’s attention is directed to the statement therein that a request for an interview prior to first action on a continuing application should ordinarily be granted.

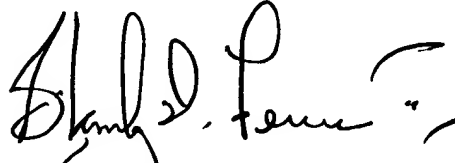
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In summary, it is respectfully submitted that the instant application, including Claims 1-25, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", written over a horizontal line.

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